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AZ CORP COMMISSION
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7 **BEFORE THE ARIZONA CORPORATION COMMISSION**

8 **WILLIAM A. MUNDELL**
9 **Chairman**

Arizona Corporation Commission

DOCKETED

10 **JAMES M. IRVIN**
11 **Commissioner**

OCT 22 2001

12 **MARC SPITZER**
13 **Commissioner**

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WP

14 **IN THE MATTER OF U S WEST**
15 **COMMUNICATIONS, INC.'S**
16 **COMPLIANCE WITH § 271 OF THE**
17 **TELECOMMUNICATIONS ACT OF 1996**

)
)
) **Docket No. T-00000A-97-0238**
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18
19 **COMMENTS OF WORLDCOM, INC. REGARDING STAFF'S FINAL COMPLIANCE**
20 **REPORT AND PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR**
21 **CHECKLIST ITEM 1**

22 WorldCom, Inc., on behalf of its regulated subsidiaries, ("WorldCom") submits these
23 comments to Staff's Final Report on Qwest Corporation's ("Qwest") Compliance and Staff's
24 proposed Findings of Fact and Conclusions of Law for Checklist Item No. 1.
25
26

DISPUTED ISSUE NO. 9

WorldCom will address one issue, Disputed Issue No. 9, addressed in paragraphs 344 through 356. This issue relates to whether Qwest's policies and SGAT provisions on CLEC interconnection forecasting and deposits are unjust, unreasonable and not at parity with the way Qwest treats itself. The issue relates to SGAT Sections 7.2.2.8.6 & 7.2.2.8.6.1.

WorldCom appreciates that Staff has recommended that Qwest modify this section by the addition of the following language found in paragraph 356 of Staff's report:

Qwest shall be required to provide a forecast to the CLECs prior to the provision of a forecast by the CLEC to Qwest and the joint planning session. Qwest shall work cooperatively with the CLECs in determining proper volumes of interconnection facilities through joint, cooperative planning sessions.

WorldCom has consistently objected to this unique¹ deposit proposal for trunk forecasting and under-utilization because it places a disproportionate obligation and risk upon the CLECs for trunk forecasting. WorldCom has also consistently requested that Qwest be required to provide a forecast to CLECs prior to the provision of a forecast to Qwest and that Qwest be required to develop a process and the Commission should review its reliability to determine if it is correctly substantiating Qwest's position that it needs this "deposit" protection to ensure that it does not overbuild.

Staff's proposed language in paragraph 356 addresses the need for mutual forecasts and the requirement that Qwest provide a forecast to CLECs prior to the CLECs' provision of a forecast to Qwest. However, with regard to placing a disproportionate risk upon CLECs, Staff's proposal does not mitigate WorldCom's concern.

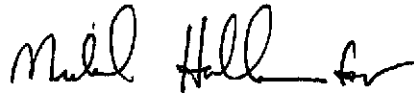
¹ In its earlier comments, WorldCom stated that it does not have to provide deposits in any other RBOC region in which it has local business.

1 The new language in paragraph 356 clearly contemplates joint planning by Qwest and the
2 CLECs. The purpose of joint planning is to jointly determine the proper volumes of
3 interconnection facilities as Staff recognizes. However, even after the joint planning sessions
4 where Qwest and the CLECs jointly plan proper volumes, CLECs are, nonetheless, required to
5 provide deposits. Also, after the joint planning session, Qwest and the CLEC have presumably
6 reached agreement on the required volumes and have reached an agreement on a single
7 forecasting plan. It is, therefore, unfair to place all of the risk upon the CLEC. Finally,
8 WorldCom will not repeat its argument or recite the evidence in the record to support its
9 arguments here, but WorldCom continues to believe that the deposit requirement is unnecessary
10 and excessive, particularly with the joint planning obligations recognized by Staff.
11

12 Accordingly, WorldCom renews its request that the deposit requirement be stricken for the
13 reasons stated here as well as the reasons stated previously by WorldCom.
14

15 Respectfully submitted this 22nd day of October, 2001.

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